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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107

APR 14 1989

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

In Reply Refer to: 3HW17

Mr. Jan F. Horwath  
Buckeye Pipe Line Company  
P.O. Box 368  
Emmaus, PA 18049-0368

Re: Whitmoyer Labs Superfund National Priorities List Site

Dear Mr. Horwath:

The United States Environmental Protection Agency (EPA) has documented the release and/or threat of release of hazardous substances and has expended public funds to conduct a Remedial Investigation and Feasibility Study ("RI/FS") at the above-referenced site. This letter notifies you that EPA intends to spend additional public funds to conduct or oversee a Remedial Design and Remedial Action ("RD/RA") for an operable unit at the above referenced site. Unless EPA determines that a responsible party will properly perform such actions, EPA plans to do so pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601, *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. Law 99-449, 100 Stat. 1613 (October 27, 1986), ("CERCLA, as amended") and the National Contingency Plan ("NCP"), 40 C.F.R. Part 300. Specifically, EPA has prepared a plan which proposes remediation of liquids which are the subject of the Concentrated Liquids Assessment Report ("the Report") dated March 24, 1989. Copies of the Plan and the Report are enclosed. The Report documents the need for removing approximately 66,500 gallons of concentrated liquids present in tanks and piping at the Site, as well as an additional 2,500 gallons of liquid products and other miscellaneous liquid chemicals.

Under Sections 106(a) and 107(a) of CERCLA, as amended, EPA may require responsible parties to implement any necessary response action as determined by EPA and also may hold them liable for all costs incurred by the government in responding to any

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release or threatened release of hazardous substances at the Site. Such costs can include, but are not limited to, expenditures for investigation, planning, clean-up of the Site and enforcement actions. By this letter EPA notifies you of your company's potential liability with regard to this matter and encourages you to voluntarily undertake, under EPA supervision, implementation of the remedial alternative which will be chosen by EPA and described in a Record of Decision ("ROD").

Under Section 107(a) of CERCLA, as amended, responsible parties include: 1) present owners or operators of the Site; 2) owners or operators at the time of disposal; 3) any person at the Site; and 4) transporters of hazardous substances to the Site. EPA's records indicate that Buckeye Pipe Line Company is the owner of a portion of the Site.

EPA has determined, pursuant to Section 122(e) of CERCLA, as amended, that "a period of negotiation under that section would facilitate an agreement with potentially responsible parties for taking remedial action" at the Whitmoyer Site and would expedite such action. Should a good faith proposal be received by EPA within 60 days of your receipt of this "special notice" letter, EPA will allow additional time totalling 120 days from special notice for negotiations between you and EPA. The goal of these negotiations will be to develop a Consent Decree in which the responsible parties commit to conduct the Remedial Design and Remedial Action ("RD/RA") for this operable unit (see 40 C.F.R. Section 300.68(c)) in accordance with the ROD, CERCLA as amended, the NCP, and applicable EPA guidance. A draft Consent Decree will be sent under separate cover.

EPA encourages good faith negotiations between EPA and you. If you should decide to participate in implementing the EPA-approved remedial alternative under EPA supervision, you should indicate your interest in a letter to EPA. Any such letter should include the following:

- . name, address, and telephone number of your representative for EPA to contact;
- . a statement of your willingness to conduct or finance the RD/RA in accordance with EPA's ROD;

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- . a demonstration of your technical capability to undertake the RD/RA. This should include an identification of the firm you expect to hire to conduct the work or the process you will undertake to select a firm;
- . a demonstration of your capability to finance the RD/RA;
- . a statement about your willingness to reimburse EPA for response and oversight costs.

Should a good faith proposal not be received by EPA within 60 days of your receipt of this letter EPA will consider the period of negotiations closed. EPA then will have the option of proceeding with the appropriate remedial measures using Superfund monies.

If you are already involved in discussions with State or local authorities related to this matter, engaged in voluntary action or involved in a lawsuit regarding this Site you should not interpret this letter to advise or direct you to restrict or discontinue any such activities. You should, however, report the status of those discussions or that action in your letter to EPA. Please provide a copy of your letter to any other party involved in those discussions. You are advised that this operable unit addresses only a portion of the Site and that further studies are underway under the RI/FS which will support further remediation at the Site. Upon completion of this RI/FS, EPA will prepare a second ROD and seek PRP-performance of the RD/RA for the remainder of the Site. The subject request is for responsible party performance of an operable unit only. You should also be aware that the Site will only be deleted from the National Priorities List ("NPL"), 40 C.F.R. Part 300, App. B when all necessary remedial work has been concluded in accordance with the Site under ROD and NCP.

Should you elect to submit a proposal to EPA your letter and included proposal should be addressed to:

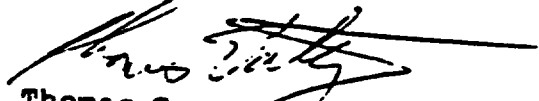
Frank J. Vavra (3HW17)  
U.S. Environmental Protection Agency  
Region III  
SARA Special Sites Section  
841 Chestnut Building  
Philadelphia, PA 19107

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Thank you for your cooperation. Should you have any questions concerning this matter, you may contact Mr. Vavra at (215) 597-8676. Legal questions may be directed to Ms. Diane Ajl at (215) 597-8905.

Sincerely,



Thomas C. Voltaggio, Acting Director  
Hazardous Waste Management Division

Enclosures

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ENVIRONMENTAL PROTECTION AGENCY  
REGION III

41 Chestnut Building  
Philadelphia, Pennsylvania 19107

APR 14 1989

Superfund National Priorities List Site

Environmental Protection Agency (EPA) has identified a potential release of hazardous waste and/or threat of release of hazardous waste at the above referenced site. This letter notifies you that EPA has expended public funds to conduct an Investigation and Feasibility Study ("RI/FS") at the above referenced site. This letter notifies you that EPA intends to spend additional public funds to conduct or oversee a Remedial Design and Remedial Action ("RD/RA") for an operable unit at the above referenced site. Unless EPA determines that a responsible party will properly perform such actions, EPA plans to do so pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601, et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. Law 99-449, 100 Stat. 1613 (October 27, 1986), ("CERCLA, as amended") and the National Contingency Plan ("NCP"), 40 C.F.R. Part 300. Specifically, EPA has prepared a plan which proposes remediation of liquids which are the subject of the Concentrated Liquids Assessment Report ("the Report") dated March 24, 1989. Copies of the Plan and the Report are enclosed. The Report documents the need for removing approximately 66,500 gallons of concentrated liquids present in tanks and piping at the Site, as well as an additional 2,500 gallons of liquid products and other miscellaneous liquid chemicals.

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<p>Article Addressed to: Mr. Jan F. Horvath Buckeye Pipe Line Co. P.O. Box 368 Emmaus, PA 18049-0368</p>		<p>Article Number: 1-016 611 276</p>	
<p>Signature - Addressee <i>[Signature]</i></p>		<p>Signature - Agent <i>[Signature]</i></p>	
<p>Date of Delivery April 18, 1989</p>		<p>Phone Conversation with <i>[Name]</i> on 4/19/89</p>	
<p>PS Form 38, Jan. 1987 * USAID, 15th Street</p>		<p>DOMESTIC RETURN RECEIPT on 5/9/89</p>	

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